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I, Peter K. Trzyna (Reg. No. 32,601), hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on the date set forth below:

Signed: Peter K. Trzyna  
Peter K. Trzyna (Reg. No. 32,601)

Date: 8 Sept 1998



PATENT

Paper No. 1

File: ProFlowers-P1-98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : SCHUTZ, Jared P.  
Serial No. :  
Filed : 8 September 1998  
For : COMPUTERIZED CONTROL SYSTEM LOCATED  
AT AN ORDER CENTER FOR SHIPPING  
PRODUCT FROM A REMOTELY LOCATED  
DISTRIBUTION CENTER  
Group Art Unit :  
Examiner :

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 C.F.R. §§ 1.9(f) and 1.27(c)) -  
SMALL BUSINESS CONCERN**

S I R :

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified as ProFlowers, Inc. (hereinafter, the "Assignee"), a corporation organized under the laws of the State of Delaware having an address at 2888 Bluff Street #116, Boulder Colorado 80301. I further declare that this small business concern qualifies as a small business concern, as defined in 37 C.F.R. §§ 1.9(c) and 121.12 for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention described in the above-identified patent application, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of the Declaration Claiming Small Entity Status, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party (or parties) controls or has the power to control both.

I further declare that rights under contract or law for the above-identified invention and patent application have been conveyed to, and remain with, the small business concern identified above. These rights are exclusive and no rights to the invention

are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

I acknowledge the duty to file in this application notification of any change in status resulting in loss of entitlement to small entity prior to paying, or at the time of paying, the earliest of the issue fee after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Title: \_\_\_\_\_